

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AARON SMART,

Case No. 1:20-cv-00144-JDP

Plaintiff,

V.

NAVRROW, *et al.*,

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
STATE A CLAIM, AND FAILURE TO
COMPLY WITH A COURT ORDER

Defendants.

FORTY-FIVE DAY DEADLINE

Plaintiff Aaron Smart is a state prisoner proceeding without counsel in this action.

Plaintiff's complaint was screened on April 9, 2020, and plaintiff was ordered to file a first amended complaint within sixty days. *See* ECF No. 14. Plaintiff has not yet done so.

To manage our docket effectively, we impose deadlines and require litigants to meet those deadlines. When a plaintiff fails to comply with court-imposed deadlines, the court may dismiss the plaintiff's case for failure to prosecute. *See Fed. R. Civ. P. 41; Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683, 689 (9th Cir. 2005) ("[T]he consensus among our sister circuits, with which we agree, is that courts may dismiss under Rule 41(b) *sua sponte*, at least under certain circumstances."). Involuntary dismissal is a harsh penalty, but the court has a duty to administer justice expeditiously and avoid needless burden for the parties. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1.

We will give plaintiff an opportunity to explain why the court should not dismiss his

1 case for failure to prosecute and failure to state a claim. Plaintiff's failure to respond to this
2 order will constitute another failure to comply with a court order and will result in dismissal of
3 this case. Accordingly, plaintiff must show cause within forty-five days of the date of entry of
4 this order why the court should not dismiss his case for failure to state a claim and failure to
5 prosecute. Should plaintiff wish to continue with this lawsuit, plaintiff should also file a first
6 amended complaint.

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8 IT IS SO ORDERED.

9 Dated: June 22, 2020

10 
11 UNITED STATES MAGISTRATE JUDGE

12 No. 205.

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